

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

LEAGUE OF UNITED LATIN AMERICAN
CITIZENS, *et al.*,

Plaintiffs,

v.

GREG ABBOTT, in his official capacity as
Governor of the State of Texas, *et al.*,

Defendants.

CIVIL ACTION NO.
3:21-cv-00259-DCG-JES-JVB
[Lead Case]

**LULAC PLAINTIFFS’ PARTIALLY OPPOSED MOTION FOR LEAVE
TO PRESENT LIVE TESTIMONY VIA VIDEOCONFERENCE AT TRIAL**

Pursuant to Federal Rule of Civil Procedure 43(a), Plaintiffs LULAC, *et al.*, (“LULAC Plaintiffs”) hereby respectfully move the Court for leave to present live testimony via videoconference of two witnesses during the trial scheduled to begin May 21, 2025, as provided in the Court’s Pretrial Scheduling Order. Dkt. 880 at 7 (“The Court is nonetheless willing to consider reasonable accommodations for witnesses given this case’s scale and complexity.”). This motion is partially opposed by State Defendants. In support thereof, LULAC Plaintiffs state the following:

1. LULAC Plaintiffs seek to present only two of their sixteen scheduled witnesses via videoconference. Those witnesses are: Ms. Joann Acevedo James and Mr. Domingo Garcia.
2. LULAC Plaintiffs’ counsel have made every effort to arrange in-person testimony and seek this accommodation only because such arrangements could not be made. Both witnesses

have good cause and compelling circumstances that prevent their appearance in person at trial.

3. Ms. Acevedo James is the caretaker of her toddler granddaughter and cannot travel to El Paso to testify. Ms. Acevedo James will testify regarding LULAC Plaintiffs' demonstrative House District 44. Her testimony is anticipated to take 30 minutes on direct examination. Ms. Acevedo James is scheduled to testify before the Court on Saturday, May 24, 2025.
4. Mr. Garcia is unable to travel to El Paso to testify because he is scheduled to represent a client in a court-ordered mediation, and he has a follow-up medical appointment with a specialist related to a recent surgery and the appointment cannot be rescheduled. Mr. Garcia will testify regarding LULAC Plaintiffs' demonstrative Congressional District 6, Dallas Ft. Worth area communities of interest, and the standing of LULAC. His testimony is anticipated to take 45 minutes on direct examination. Mr. Garcia is scheduled to testify on Wednesday, May 21, 2025.
5. Ms. Acevedo James and Mr. Garcia will ensure that they testify via Zoom, a reliable mechanism for contemporaneous transmission from a different location, and will comply with any additional safeguards that the Court deems appropriate.
6. Allowing testimony via videoconference will promote judicial efficiency and reduce unnecessary delay and cost, consistent with Fed. R. Civ. P. 43(a).
7. This motion is partially opposed. State Defendants are not opposed to Ms. Acevedo testifying remotely, but they are opposed to Mr. Garcia testifying remotely. The remaining parties do not oppose the motion.

LULAC Plaintiffs therefore respectfully request that the Court grant leave to present live testimony via videoconference for the two above-mentioned LULAC Plaintiff witnesses during the trial.

Date: May 17, 2025

Respectfully submitted,

/s/ Nina Perales

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CERTIFICATE OF CONFERENCE

I certify that I conferred with the parties regarding the relief requested in this motion via email on May 16 and 17, 2025. Counsel for Defendants stated that they are not opposed to Ms. Acevedo testifying remotely, but they are opposed to Mr. Garcia doing so. The remaining parties do not oppose the motion.

/s/ Nina Perales

Nina Perales

CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that she has electronically submitted a true and correct copy of the above and foregoing via the Court's electronic filing system on the 17th day of May 2025.

/s/ Nina Perales

Nina Perales